

REMARKS

This amendment is responsive to the Office Action dated June 8, 2007 and received in this patent application. In the amendment, claims 1-4, 7-11, 13-17 and 19-25 have been amended, and claims 5, 12, 18 and 24 have been canceled without prejudice to further prosecution of their subject matter in this or another application. Reconsideration of pending claims 1-4, 6-11, 13-17, 19-23 and 25 is respectfully requested.

These amendments add no new matter. Provision of video and audio as among the information that is sent (and received) in real time between communication devices connected to each other over a network is variously described in Applicant's specification as filed, including but not necessarily limited to ¶¶[0048],[0066],[0069],[0096] of the specification as represented in U.S. Pub. No. US 2006/0117097 A1.

The drawings have been objected to because the reference numeral "24" has been used in both FIGs. 3B and 3C. Applicant notes that this reference numeral is used to reference an "information management unit 24" in two figures. This is permissible, and Applicant respectfully requests reconsideration and withdrawal of the objection to the drawings.

Claims 2, 4, 9, 11, 15, 16, 17, 22 and 23 have been rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim what applicant regards as the invention.

Applicant appreciates the Examiner's attention to the claims in this regard, and has amended the claims to remove the language ("possibility/impossibility ...") identified as being at issue, and provide what is believed to be a clear recitation of the corresponding features.

Applicant thus respectfully requests reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. 112, second paragraph as being indefinite.

Claims 1-25 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,266,649 to Linden et al. ("Linden") in view of U.S. Pat. No. 5,933,811 to Angles et al. ("Angles"). This rejection is traversed.

Claim 1 has been amended and now recites: *[a] service managing apparatus for managing an information transmission service in which video/audio information is sent in real time between communication devices connected to each other over a network, the apparatus comprising:*

a communication controlling means for controlling the communication with each of the communication devices;

an information registering means for registering information on more than one piece of video/audio information available from an information provider as information to be registered; and

an information managing means for dynamically generating, based on the registered information, choices-window information from which selection is made of a desired one of the plurality of pieces of offered video/audio information for the communication device that is to receive the desired piece of offered video/audio information,

the information managing means updating, when the information registering means has been updated based on updating information reflecting the current status of the information provider, the choices-window information on the basis of the updated registered information,

wherein the communication controlling means controls the connection between the communication device that receives the desired piece of offered video/audio information and the communication device that sends the desired piece of offered video/audio information.

These claimed features accommodate the sending of video/audio content between communications devices that are connected to each other over a network. The information registering means registers the available video/audio information and the information managing means dynamically generates choices-window information for selection of a desired piece of offered video/audio information for the communication device that is to receive the desired piece of offered video/audio information. The communication controlling means controls the connection

between the communication device that receives the desired piece of offered video/audio information and the communication device that sends the desired piece of offered video/audio information. The claimed features thus provide for the registration of video/audio information that can be sent to and from communications devices over a network upon selection of the desired offered video/audio information.

These claimed features are absent from Linden. Linden discloses a system that allows for collaborative recommendations wherein computer (34) users may rate various items that are available through the web site/server. The computer (34) users do not register video/audio information that is to be provided by their computer (34), nor do they select from among the offered video/audio information so that it can be sent from one of the computers (34) to another of the computers (34) that may be connected through the network. Even presuming that the computers (34) of Linden may be configured to communicate with each other, there is no mention of any kind of sending video/audio information from one computer to another, particularly doing so following selection from among registered video/audio information.

At most, "information" that comprises a recommendation may be provided at the website. However, the recommendation is just information that is assimilated by the website pursuant to the establishment of a recommendation profile. It is not actual content that is sent from one user computer to another. Also, the recommendation is not itself registered as available content of any kind, let alone content that may be selected, or more particularly where such information is "video/audio information" as claimed by Applicant.

With this understanding of the clear differences between Applicant's claimed invention and the recommendation service of Linden, it is clear that various recited features are absent from Linden. For example, there is no disclosure or suggestion of "*an information registering means for registering information on more than one piece of video/audio information available from an information provider as information to be registered ...*," in combination with "*choices-window information from which selection is made of a desired one of the plurality of pieces of offered video/audio information for the communication device that is to receive the desired piece of offered*

video/audio information,” as claimed by Applicant. Additionally, there is clearly no “controlling ... the connection between the communication device that receives the desired piece of offered video/audio information and the communication device that sends the desired piece of offered video/audio information.” Again, the “recommendation” of Linden, or any other information described therein, is not video/audio information that is registered, selected and then sent from one communication device to another communication device as claimed.

Angles does not remedy the deficiencies of Linden. Angles discloses a system for delivering customized advertisements within interactive communication systems. When a user of a “consumer computer” accesses an offering from a content provider computer, a corresponding advertisement provider computer generates a custom advertisement based upon the user’s profile, and combines that custom advertisement with the offering being provided by the content provider computer for display by the consumer computer.

Although some content is delivered from the advertisement provider computer to the consumer computer (*i.e.*, the customized ads, presumably within web pages or the like that are accessed through the content provider computer), as with the Linden reference there is clearly is no *“choices-window information from which selection is made of a desired one of the plurality of pieces of offered video/audio information for the communication device that is to receive the desired piece of offered video/audio information”* in the Angles reference. Similarly, there is no *“controlling ... the connection between the communication device that receives the desired piece of offered video/audio information and the communication device that sends the desired piece of offered video/audio information,”* as claimed by Applicant.

Since Linden and Angles, whether taken alone or in combination, fail to yield the claimed features recited in Applicant’s claim 1, Applicant submits that a prima facie case of obviousness is not present for that claim. For reasons similar to those provided regarding claim 1, independent claims 8, 14 and 21 are also neither disclosed nor suggested by the relied-upon references.

The dependent claims are also distinct from the references, for their incorporation of the features recited in the independent claims, as well as for their separately recited, patentably distinct features. For example, claim 2 recites "*the registered information and updating information include information indicative of whether the information provider can currently provide the offered video/audio information in real time; and the information managing means has the choices-window information reflect the information indicative of whether the information provider can currently provide the offered video/audio information in real time.*" This allows the selection of the video/audio information to be made based upon an indication within the choices window information whether the offered video/audio information can currently be provided in real time. In addition to the above-noted distinctions, there is no disclosure of any kind in Linden or Angles regarding these claimed features.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. 103(a) as being unpatentable over the combination of Linden and Angles.

In view of the foregoing arguments, all claims are believed to be in condition for allowance. If any further issues remain, the Examiner is invited to telephone the undersigned to resolve them.

This response is believed to be a complete response to the Office Action. However, Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

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Docket No.: SON-3141

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-3141 from which the undersigned is authorized to draw.

Dated: September 7, 2007

Respectfully submitted,

By

 40,290
Ronald P. Kananen

Registration No.: 24,104

Christopher M. Tobin

Registration No.: 40,290

RADER, FISHMAN & GRAUER PLLC

Correspondence Customer Number: 23353

Attorneys for Applicant